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In re Application of McMURTRY et al :
U.S. Application No.: 10/518,918 :
PCT Application No.: PCT/GB03/02915 : DECISION
Int. Filing Date: 07 July 2003 :
Priority Date Claimed: 05 July 2002 :
Attorney Docket No.: 122070 :
For: LASER CALIBRATION APPARATUS :

This is in response to applicant's requests for a corrected Notification of Acceptance of Application, filed 29 June 2006 and 05 October 2006, which are being treated collectively as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 07 July 2003, applicant filed international application PCT/GB03/02915, which claimed priority of an earlier United Kingdom application filed 05 July 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 15 January 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 January 2005.

On 23 December 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a purported declaration.

On 04 August 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 December 2005, applicant purportedly filed an executed declaration.

On 06 June 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 01 March 2006 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

On 29 June 2006 and 05 October 2006, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 29 December 2005. Specifically, the copy of the return receipt, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 29 December 2005, serves as *prima facie* evidence that the declaration was received by the USPTO on 29 December 2005.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 06 June 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 29 December 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected filing receipt and a new Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 29 December 2005 as the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements.

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